

**REMARKS**

Claims 1, 3, 9, 11, 14-17, 20, 22, 30-40 and 42-47 are pending. By this Amendment, Claim 20 is amended and new Claims 46-47 are added. Claims 2, 4-8, 10, 12-13, 18-19, 21, 23-29 and 41 were previously canceled.

The amendments are fully supported by the originally filed application. With respect to new Claims 46-47, see for example numbered paragraph [0080] of the published application, and page 37, line 13 to page 38, line 10 of the originally filed specification.

**Claims 15-17, 22, 40 and 42-44**

In the Office Action, the Examiner rejects Claims 15-17, 20, 22, 40 and 42-44 under 35 U.S.C. § 103(a) over Knudsen (U.S. 6,536,041) in view of Wynblatt (U.S. 6,546,421), Rasson (U.S. 6,137,549), and Krause (U.S. 5,926,205). This rejection is respectfully traversed, and a direct reply to the Examiner's *Response to Arguments* is set forth below.

The asserted combination fails to disclose or suggest “*wherein the first, second, third and fourth data feeds are transmitted to the client system **simultaneously** over the independent channels and **each independent channel corresponds to a different one of the priority level of the real-time level, the priority level of the fast level, the priority level of the normal level, or the priority level of the low level**”*, as recited in Claim 15, and similar features recited in Claims 16 and 40.

In the Office Action, the Examiner cites Rasson at Column 8, Lines 8-42 (C8/L8-42) as teaching prioritized delivery of data. In particular, Applicants note that C8/L34-37 teaches the feed generator(s) 52 taking data records from the highest priority feed generator queue 76, and then taking data records from other queues 76 in descending order of priority. Thus, Rasson teaches sending higher priority information before lower priority information, and does not disclose or suggest transmitting different priority information simultaneously.

The Examiner also cites Krause as teaching simultaneous transmission of different data. But, Krause's simultaneously transmitted data don't have different priorities. For example, at C14/L27-48 Krause explains a method for providing television programs on-demand by dividing a program or video segment into portions, and storing each portion on a separate disk. Then, the

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portions from the disks are simultaneously transmitted on different channels. For example, a first portion of the program is sent from a first disk on a first channel, a second portion of the program is sent from a second disk on a second channel, and so forth. But, the portions transmitted from the different disks don't have different priorities. Accordingly, Krause does not disclose or suggest transmitting different priority information simultaneously

Thus, neither Krause nor Reasson teaches or suggests simultaneously sending different priority information over different channels (each channel dedicated to a particular priority), as variously encompassed by independent Claims 15, 16 and 40. Knudsen and Wynblatt likewise fail to overcome these deficiencies of Krause and Rasson.

Consequently, the asserted combination fails to disclose or suggest “*wherein the first, second, third and fourth data feeds are **transmitted** to the client system **simultaneously over the independent channels and each independent channel corresponds to a different one of the priority level** of the real-time level, the priority level of the fast level, the priority level of the normal level, or the priority level of the low level*”, as recited in Claim 15; “*wherein the first, second, third and fourth data feeds are transmitted to the client system **simultaneously over the independent channels and each independent channel corresponds to a different one of the priority level** of the real-time level, the priority level of the fast level, the priority level of the normal level, or the priority level of the low level*” as recited in Claim 16; and “*wherein each of the first and second data feeds are **separately delivered** to a client system **according to the priority levels** assigned to the respective first and second event identifiers, wherein the first and second data feeds are transmitted to the client system **simultaneously***,” as recited in Claim 40.

In the *Response to Arguments* section on pages 2-3 of the Office Action, the Examiner argues that Rasson teaches “sending information based on priorities on different channels” and that Krause teaches “sending data on different channels simultaneously” is properly combined to read on Applicants’ independent claims because a person of ordinary skill in the art would have been motivated to combine Krause with Rasson to provide an advantage of “receiving all the data in a reduced time”, and cites Krause at C14/L28-55 for this teaching. The Examiner makes this same argument near the bottom of page 7 of the Office Action. However, this argument does not make sense, and would not

have motivated a person of skill in the art to have combined Krause with Rasson.

Krause teaches that instead of transmitting an on-demand program (or segment thereof) from a single disk over a single channel, the program or segment thereof is divided into portions, and each portion is stored on a separate disk and then the portions from the disks are simultaneously transmitted on different channels. In other words, Krause teaches reducing transmit time or an “access interval” for the on-demand program by going from one disk and one channel, to multiple disks and multiple channels. But, Rasson already discloses using multiple, different channels!

Thus, applying Krause to Rasson would not result in any speed increase or reduction in time, and the Examiner’s stated motivation is false. Since the Examiner has failed to provide a proper motivation to combine Krause with Rasson, the Examiner has failed to set forth a *prima facie* case of obviousness.

For at least the above reasons, withdrawal of the rejection of Claims 15-17, 22, 40 and 42-44 under 35 U.S.C. § 103(a) over Knudsen, Wynblatt, Rasson, and Krause is respectfully requested.

### Claims 30-32

In the Office Action, the Examiner also rejects Claims 30-32 under 35 U.S.C. § 103(a) over Knudson in view of Ward (WO 00/333576 A1) in view of Wynblatt, Rasson and Krause. This rejection is respectfully traversed.

For the same reasons set forth above with respect to independent Claims 15, 16 and 40, Knudsen, Wynblatt, Rasson and Krause fail to disclose or suggest “*wherein each of the tunable alert and the second event identifier are **delivered** to the one or more client devices **according to their respective priority levels separately over independent channels**, wherein the tunable alert and the second event identifier are transmitted to the one or more client devices **simultaneously via the independent channels**”*”, as recited in independent Claim 30.

Ward fails to overcome the deficiencies of Knudsen, Wynblatt, Rasson and Krause with respect to the independent Claim 30, and thus Claim 30 is allowable and Claims 31-32 are likewise allowable for at least the same reasons.

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Withdrawal of the rejection of Claims 30-32 under 35 U.S.C. § 103(a) over Knudson in view of Ward, Wynblatt, Rasson and Krause is respectfully requested.

### **Claim 37**

In the Office Action the Examiner rejects Claim 37 under 35 U.S.C. § 103(a) over Knudson in view of Wynblatt, Rasson, Krause and Ward. This rejection is respectfully traversed.

Claim 37 depends from independent Claim 16. Ward fails to overcome the deficiencies of Knudson, Wynblatt, Rasson, and Krause described further above with respect to independent Claim 16, and therefore Claim 37 is likewise allowable for at least the same reasons. Withdrawal of this rejection of Claim 37 is respectfully requested.

### **Claims 38-39**

In the Office Action, the Examiner rejects Claims 38-39 under 35 U.S.C. § 103(a) over Knudson in view of Wynblatt, Rasson, Krause, Ward and Marshall (US 2002/0010697). This rejection is respectfully traversed.

Claims 38-39 depend from independent Claim 16. Ward and Marshall fail to overcome the deficiencies of Knudson, Wynblatt, Rasson, and Krause described further above with respect to independent Claim 16, and therefore Claims 38-39 are likewise allowable for at least the same reasons. Withdrawal of this rejection of Claims 38-39 is respectfully requested.

### **Claims 1-3, 14, 33-34 and 36**

In the Office Action the Examiner rejects Claims 1-3, 14, 33-34 and 36 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald (U.S. 5,987,518) and Krause. This rejection is respectfully traversed.

As noted further above, Knudson, Wynblatt, Rasson and Krause, when considered both separately and in combination, fail to disclose or suggest simultaneously sending different priority information over different channels (each channel dedicated to a particular priority). Marshall and Gotwald likewise fail to overcome these deficiencies of Knudsen, Wynblatt, Rasson and Krause.

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Accordingly, the asserted combination of Knudson, Marshall, Wynblatt, Rasson, Gotwald and Krause fails to disclose or suggest “*wherein each of the first, second and third indicators and associated identifiers are delivered to the at least one client system according to their respective priority levels over independent channels, **each independent channel corresponding to a different one of the first, second or third priority levels**, and wherein the first, second and third indicators and associated identifiers are transmitted to the at least one client system simultaneously via the independent channels*”, as recited in Claim 1.

The asserted combination likewise fails to disclose or suggest these features in combination with features of “*wherein the first indicator corresponds to a delivery of an alert that an event indicated as being of interest to a viewer is about to occur in a television program of the plurality of television programs, the alert being a tunable alert*”, “*receiving a user’s selection of the tunable alert*” and “*in response to the user’s selection of the tunable alert, tuning to the television program corresponding to the tunable alert*”, as further recited in Claim 1.

Claims 1-3, 14, 33-34 and 36 depend from allowable Claim 1 and are therefore likewise allowable for at least the same reasons.

Withdrawal of the rejection of Claims 1-3, 14, 33-34 and 36 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald and Krause is respectfully requested.

### **Claims 9, 11, 20 and 45**

In the Office Action the Examiner rejects Claims 9, 11, 20 and 45 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald, Krause and Agnihotri (U.S. 6,771,885). This rejection is respectfully traversed.

With respect to dependent Claim 9, the asserted combination likewise fails to disclose or suggest “*wherein said alert is configured to automatically invoke an action when delivered to the at least one client system, the action comprising recording only beginning or ending portions of all television programs of a user-selected type*” as recited in Claim 9.

With respect to dependent Claim 20 which includes features similar to those recited in Claims 9, 11 and 45, the asserted combination likewise fails to disclose a service, “*wherein the*

*at least one alert notification is configured to automatically invoke an action when delivered to the client system, the action comprising recording only beginning or ending portions of all television programs of a user-selected type*", as recited in Claim 20.

In the Office Action, the Examiner now cites Agnihotri as teaching these features. However, Agnihotri does not teach recording only beginning or ending portions of a television program. Instead, Agnihotri teaches recording *entire* television programs, and explains that this can be done using a color histogram. In particular, a color histogram for an entire program is provided and the recording continues so long as the incoming television signal matches the stored histogram, so that the entire program is recorded and the recording ceases when the program ends. See Agnihotri at C5/L36-45. Alternatively Agnihotri teaches using stored histograms that correspond to beginning and ending portions of the program, to initiate and then terminate recording of the program. In other words, when a stored histogram for a beginning portion of a program matches an incoming television signal recording is started or initiated, and then when the incoming television signal matches a stored histogram corresponding to an end of the program, recording of the program is terminated or stopped. See, for example, Agnihotri at C5/L45-47. Applicants further note that Agnihotri's color histograms are *not* recordings of beginnings or endings of programs.

Accordingly, Agnihotri fails to disclose or suggest "*wherein said alert is configured to automatically invoke an action when delivered to the at least one client system, the action comprising recording only beginning or ending portions of all television programs of a user-selected type*" as recited in Claim 9, and likewise fails to disclose or suggest "*wherein the at least one alert notification is configured to automatically invoke an action when delivered to the client system, the action comprising recording only beginning or ending portions of all television programs of a user-selected type*", as recited in Claim 20.

In addition, Agnihotri fails to overcome the deficiencies of Knudson, Marshall, Wynblatt, Rasson, Gotwald and Krause noted further above with respect to the independent Claims (in particular, the lack of motivation to combine Rasson and Krause). Claims 9, 11, 20 and 45 depend variously from allowable independent Claims 1 and 16, and are therefore likewise allowable for at least the same reasons.

For at least the above reasons, withdrawal of the rejection of Claims 9, 11, 20 and 45 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald, Krause and Agnihotri is respectfully requested.

**Claim 35**

In the Office Action the Examiner rejects Claim 35 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald and Ward (U.S. WO 00/333576 A1). This rejection is respectfully traversed.

Ward fails to overcome the deficiencies of Knudson, Marshall, Wynblatt, Rasson, Gottwald and Krause as explained above with respect to independent Claim 1. Claim 3 depends from allowable Claim 1, and is therefore likewise allowable for at least the same reasons. Accordingly, withdrawal of the rejection of Claim 35 under 35 U.S.C. § 103(a) over Knudson in view of Marshall, Wynblatt, Rasson, Gotwald and Ward is respectfully requested.

**Claims 46-47**

None of the presently applied references, when considered both separately and in combination, appear to disclose or suggest either “*wherein said alert is configured to automatically invoke an action when delivered to the at least one client system, the action comprising commencing recording of a game when the game enters an overtime period*”, as recited in Claim 46, or “*wherein the at least one alert notification is configured to automatically invoke an action when delivered to the client system, the action comprising commencing recording of a game when the game enters an extended period of play*”, as recited in Claim 47.

**Conclusion**

For at least the above reasons, Applicants respectfully submit that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicants’ undersigned representative at the telephone number listed below.

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**PATENT**

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check please charge any deficiency to Deposit Account No. 50-0463.

Respectfully submitted,

Microsoft Corporation

Date: 15 July 2009

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July 15, 2009  
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/Rimma N. Oks/  
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